

Members

Sen. Beverly Gard, Chairperson
Sen. Kent Adams
Sen. Lindel Hume
Sen. Vi Simpson
Rep. James Bottorff
Rep. Ron Herrell
Rep. Steven Heim
Rep. David Wolkins
Lori Kaplan
Dwayne Burke
John Ulmer
Shelley Miller
Ellen Tobias
William Goffinet
Randal D. Edgemon
Julia Wickard
William Hayden
Michael Sutherlin



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-1996 Reestablished by P.L.
248-2001 (Amended by P.L. 240-2003)

MEETING MINUTES¹

Meeting Date:	September 3, 2003
Meeting Time:	1:00 P.M.
Meeting Place:	Government Center South, 302 W. Washington St., Conference Room A
Meeting City:	Indianapolis, Indiana
Meeting Number:	3

Members Present: Sen. Beverly Gard, Chairperson; Sen. Kent Adams; Sen. Lindel Hume; Sen. Vi Simpson; Rep. James Bottorff; Rep. Ron Herrell; Rep. Steven Heim; Rep. David Wolkins; Lori Kaplan; Dwayne Burke; John Ulmer; Shelley Miller; William Goffinet; Randal D. Edgemon; Julia Wickard; William Hayden; Michael Sutherlin.

Member Absent: Ellen Tobias.

I. Call to order

Senator Gard called the meeting to order at 1:15 p.m. Michael Sutherlin was introduced as a new member of the council.

II. Commissioner's Report

Tim Method, Deputy Commissioner, IDEM, who attended for Lori Kaplan, presented the Commissioner's Report (Handout #1), which includes the following information:

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

1. Further information on the Metropolitan Statistical Area boundary issue; how it is established and USEPA's guidance for how it is used in determining nonattainment boundaries
2. Further information about the Idleaire diesel electrification project in Gary
3. Ozone air quality data statewide showing three average eight hour ozone values from the 1995-97 period through the present
4. Historical one hour ozone information for the monitors in Clark and Floyd Counties
5. The current list of members of the Central Indiana Ozone Workgroup

In response to a question from Sen. Gard, Mr. Method addressed means by which a county can contest nonattainment status that results from inclusion in a nonattainment metropolitan statistical area.

III. Water issues presentations

("Slides" refers to numbered PowerPoint slides in Handout #2)

A. Jim McGoff, Executive Director, State SRF Program, presented a report (Slides 6 through 10) on the revised structure of the program. In response to questions from the council, he commented on plans for the program to streamline operations and increase loan capacity, the need to adjust interest rates to preserve appropriate subsidy levels, the number of loans closed this year, project planning, priority of CSO projects, the loan issuance and technical review process, and the availability of grants from the program.

B. Nancy King, IDEM, presented a report (Slides 43 through 46) on the Allen County NPDES General Permit for on-site residential sewage discharging disposal systems. In response to questions from the council, she commented on monitoring requirements and schedules, the cost of testing, and penalties for failure to comply with the rule. Sen. Gard commented on the possible use of the Allen County program as a model for other areas with similar problems.

B. Pat Carroll, IDEM, presented a report (Slides 13 through 31) on groundwater quality standards. In response to questions from the council, he commented on acceptable nitrate levels associated with septic systems and costs for testing of well water.

C. Howard Cundiff, Indiana State Department of Health (ISDH), presented a report on the ISDH proposed rule on onsite wastewater treatment. ISDH must be concerned that onsite systems do not violate groundwater standards and that well water on a property with an onsite system must be protected. In some cases, a treatment system within the onsite system is required in order to meet groundwater standards. The cost of a treatment system can be substantial. Three public hearings have been held on the proposed rule. Changes to the proposed rule, including reference to alternative and experimental technology, are under consideration. In response to questions from the council, Mr. Cundiff commented on the extent to which treatment systems will be required, and on the depth to which soil for an onsite system is tested.

D. Joe Tutterrow and Jamie Palmer, Rural Wastewater Initiative, presented a report (Slides 33 through 42) on the Indiana Land Resources Council Rural Wastewater Task Force. They, along with Mr. Cundiff, responded to questions from the council concerning the development of new technology for onsite systems, the standards used to determine whether an onsite system is failing, the means of tracking the rate of system failures, repairs to failing onsite systems and the responsibility to determine the nature of a required repair, the difficulty in determining whether water contamination is from an onsite system or from another source, the use of aerator systems, and the advisability of mandatory maintenance programs.

E. Bruno Pigott, IDEM, presented a report (Slide 47) on residential and community wastewater treatment systems.

F. Mary Ellen Gray, IDEM, presented a report (Slide 48) on changes to surface water quality standards. A workgroup organized by IDEM is reviewing water quality standards and will make recommendations to IDEM. Workgroup information is posted on IDEM's website.

G. Mr. Pigott presented a report (Slides 50 through 57) on Stormwater Rules 5, 6, and 13 (327 IAC 15-5, 15-6, and 15-13). Sen. Gard commented on the lack of funding for municipalities for activities required under Rule 13, and urged IDEM to delay implementation of Rule 13 until funding issues are resolved. Mr. Method commented that the rules are proceeding on the basis of implementing aspects that can be funded and preparing for those for which funding might be developed later. Sen. Gard asked IDEM to provide to the council an analysis of the parts of the rules specifically required by federal mandate and to ask USEPA what consequences will result if the state fails to meet federal deadlines. Council members commented on the potential effects of the reduction of construction area subject to stormwater regulation from five acres to one acre.

H. Mr. Method presented a report (Slides 58 through 63) on concentrated animal feeding operations.

I. Ms. Gray presented a report (Slides 64 through 75) on impaired waters under Section 303(d) of the Clean Water Act. In response to questions from the council, she commented on the methodology for testing water, the consequences of the addition of a water body to the impaired waters list, and consideration of contamination by different types of E. coli.

J. Tonya Galbraith, IDEM, presented a report (Slides 76 through 79) concerning the CSO Notification Rule.

K. Mr. Method presented a report on changes to the environmental rulemaking process in P.L. 240-2003 (HEA 1671), including the provision prohibiting a refund of a permit application fee if the permit application concerned the renewal of a permit.

L. Ms. King presented a report (Slide 81) on the amendments in P.L. 231-2003 (HEA 1221) concerning variances from water quality standards in NPDES permits.

IV. General discussion

Glenn Pratt stated that Allen County must establish a County Onsite Waste Management District under IC 36-11 based on his understanding that the county agreed to establish such a district when that statute was adopted. He urged IDEM to become involved in the establishment of the district, and urged to General Assembly to provide incentive grants for the establishment of districts. He stressed the importance of education of residents on the operation of onsite systems. He also commented on the standing of citizens to challenge municipal permits.

Bill Hayden commented that Clear Creek continues to receive PCB's. Mr. Hayden and Mayor Goffinet expressed their concerns about taking water bodies off of the Section 303(d) list of impaired waters.

Dwayne Burke commented on the similarities between the Section 303(d) process for impaired waters and the nonattainment process for air pollution.

V. Other business

Sen. Gard stated that the next meeting of the council is scheduled for 10:00 a.m. to 12:30 p.m. on September 18, 2003, in Room 300, Calumet College, 2400 New York Avenue, Whiting, Indiana. The council will take a tour of brownfield sites from 12:30 p.m. to 2:30 p.m. The meeting was adjourned at 5:00 p.m.